

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

OTIS A. DANIEL,

Plaintiff,

-v-

T&M PROTECTION RESOURCES LLC, ET AL.,

Defendants.

13 Civ. 4384 (PAE)

ORDER

PAUL A. ENGELMAYER, District Judge:


On October 8, 2021, the Court received a motion for reconsideration of its September 28, 2021 denial of Otis Daniel's motion to reopen the case and rescind its order denying his motion for reconsideration. *See* Dkts. 223–226.

In its September 28 order, the Court set out the relevant procedural history, which the Court recounts in full. This case was closed on July 12, 2018, following a week-long bench trial. On July 27, 2018, the Court denied Mr. Daniel's motion for reconsideration. Dkt. 195. On August 23, 2019, the Second Circuit affirmed the Court's judgment. On June 18, 2020, Mr. Daniel requested that the Court reopen the case and vacate its judgment; the Court denied that request, finding no basis under either Rule 60(b)(3) or Rule 60(b)(6) warranting relief from final judgment in the case. Dkt. 212. On July 9, 2020, Mr. Daniel again asked the Court to vacate its decision, which the Court again denied, referring back to its previous order and decision in the case. Dkts. 214, 215. On July 16, 2020, Mr. Daniel filed a notice of appeal from the Court's orders on his motion for reconsideration. Dkt. 218. On March 31, 2021, the Second Circuit affirmed both of these orders, finding them untimely and meritless. Dkt. 219. On April 1, 2021, Mr. Daniel appealed the Court's July 27, 2018 order on his first motion for reconsideration. Dkt.

220. On September 7, 2021, the Second Circuit, finding that appeal untimely, dismissed it for lack of jurisdiction. Dkt. 222.

On September 23, 2021, the Court received a letter from Mr. Daniel, seeking rescission of its July 27, 2018 order denying his motion for reconsideration. Dkt. 223. The Court found that motion untimely, as it was filed more than three years after the Court denied Mr. Daniel's motion for reconsideration. The motion also lacked merit, as it did not raise new facts or law warranting reconsideration. The Court therefore denied the motion. *See* Dkt. 224. For similar reasons, the Court denies Mr. Daniel's motion to reconsider its order. Mr. Daniel's letter does not raise any ground to cause the Court to reconsider its ruling. This case remains closed.

SO ORDERED.



PAUL A. ENGELMAYER
United States District Judge

Dated: July 22, 2022
New York, New York